

Submit proposed redacted transcript and unredacted  
(marked) via Chambers email.  
SO ORDERED.  
Dated: 9/18/2024

**A&O SHEARMAN**



BY ECF

P. Kevin Castel  
United States District Judge

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
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September 17, 2024

**Re: *United States v. Mario Rodriguez*, No. 20 Cr. 301 (PKC)**

Dear Judge Castel:

We represent the Defendant, Mario Rodriguez, in the above captioned matter. We submit this letter-motion to respectfully request an order permitting the redaction of the transcript of the sentencing hearing of Mr. Rodriguez held on June 26, 2024 for information satisfying the “sensitive information” and “caution” categories as identified in Southern District’s ECF Privacy Policy. *See also* Your Honor’s Individual Practices for Sentencing Proceedings (authorizing parties, without application to the Court, to redact “sensitive information” and “information requiring caution” in sentencing materials as defined in Southern District’s ECF Privacy Policy).

While a presumption of public access applies to judicial documents, *e.g.*, documents relevant to the performance of the judicial function and useful in the judicial process, the weight of the presumption is “governed by the role of the material at issue” and the resulting value of such information to the public. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). Although there is a qualified right of public access to Court documents, the Second Circuit has recognized that documents may be filed under seal to protect, among other things, a defendant’s safety or to further ongoing law enforcement efforts. *See United States v. Cojab*, 996 F.2d 1404, 1407–09 (2d Cir. 1993) (affirming sealing order); *United States v. Haller*, 837 F.2d 84, 88 (2d Cir. 1988) (same); *see also* Fed. R. Crim. Pro. 49.1(d) and (e) & advisory committee note. The portions of the transcript that we seek to redact pertain to these protected interests.

In the event Your Honor grants this application, the Parties will confer and submit a joint letter under seal proposing the specific sections of the transcript be sealed.<sup>1</sup> The Government consents to this request.

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<sup>1</sup> To note, the transcript of the proceeding has not yet been ordered and is not currently available on ECF.

Respectfully submitted,

/s/ Eugene Ingolia

**Eugene Ingolia**

Partner

CC: AUSA Nicholas Chiuchiolo, AUSA Peter Davis